

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 30, 2000**

DIVISION ONE

B136789      Myerstein et al.                      (Not for Publication)  
                 v.  
                 McManus

The judgment is affirmed.

Spencer, P.J.

We concur:    Vogel (Miriam A.), J.  
                 Mallano, J.

B127287      People                                      (Not for Publication)  
                 v.  
                 Amado

The judgment is affirmed.

Spencer, P.J.

We concur:    Ortega, J.  
                 Mallano, J.

B137369      People                                      (Not for Publication)  
                 v.  
                 Holzendorf

The judgment is affirmed.

Spencer, P.J.

We concur:    Ortega, J.  
                 Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

DIVISION TWO

B137289 People (Not for Publication)  
v.  
Khachatryan

The judgment is affirmed.

Todd, J.

We concur:   Nott, Acting P.J.  
                      Cooper, J.

B137176      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Yolanda S.

The judgment is affirmed.

Todd, J.

We concur:   Boren, P.J.  
                      Cooper, J.

DIVISION TWO (Continued)

B132334      Postal Instant Press, Inc.                      (Not for Publication)  
                 v.  
                 Lepson et al.

The trial court's order dated March 31, 1999, corrected nunc pro tunc on April 21, 1999, allowing Postal Instant Press to attach the wage earnings of Marion Lepson is reversed. Costs to appellants.

Todd, J.

We concur:    Boren, P.J.  
                     Nott, J.

DIVISION THREE

B140408      People    (Not for Publication)  
                 v.  
                 Jackson

The judgment is affirmed.

Klein, P.J.

We concur:    Croskey, J.  
                     Kitching, J.

B139514      People    (Not for Publication)  
                 v.  
                 Vincent S.

The order of commitment is affirmed.

Klein, P.J.

We concur:    Croskey, J.  
                     Aldrich, J.

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B128063 People (Not for Publication)  
v.  
Ornelas

The victim restitution order is reversed. The matter is remanded to the trial court for a new restitution hearing. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B134256 Epstein (Certified for Publication)  
v.  
Hollywood Entertainment District II Business Improv

The judgment is reversed and remanded. The trial court is directed to enter a preliminary injunction in favor of plaintiff in accordance with the views expressed herein. Plaintiff shall recover his costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

### DIVISION THREE (Continued)

[illegible]

The order of wardship is affirmed, except that the matter is remanded for the limited purpose of permitting the trial court to comply with California Rule of Court, rule 1487(f)(9), by expressly declaring on the record that that trial court made a consideration of whether appellant's offense was to be described as a felony or a misdemeanor.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B137797 People (Not for Publication)  
v.  
Cox

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION FOUR

[illegible]

For the foregoing reasons, the judgment is modified to stay the six-month sentence imposed on count 3 (misdemeanor battery), said stay to become permanent upon completion of the term imposed on count 2. The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting this modification. As modified, the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B128620      Plut      (Certified for Publication)  
v.  
Fireman's Fund Insurance Company

The award of damages against Fireman's Fund is reversed, and the trial court is directed to enter a new judgment awarding the Pluts the sum of \$154,675.14 in damages. The judgment is affirmed in all other respects. Appellants are awarded costs.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

## DIVISION FOUR (Continued)

B136407      DeGrassi      (Certified for Publication)  
v.  
Cook

The judgments are affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

B135080      Pessis      (Not for Publication)  
v.  
City of Beverly Hills

The judgment is reversed. Appellant(s) to recover costs.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

## DIVISION FOUR (Continued)

B133413      Thomas      (Certified for Publication)  
v.  
Gordon

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B140139 People (Not for Publication)  
v.  
Cooper

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B136303 People (Not for Publication)  
v.  
Nix

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.



## DIVISION FOUR (Continued)

B136832 People (Not for Publication)  
v.  
Summerville

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

DIVISION FIVE

B136724 People (Not for Publication)  
v.  
Ricardo Baltrell, Jr.

The judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
                          Godoy Perez, J.

B140384      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Neal B.  
Chardae B.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

## DIVISION FIVE (Continued)

B133742 Maria D. (Certified for Publication)  
v.  
Westec Residential Security, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

I concur:       Armstrong, J.

I concur and dissent: Grignon, J. (Opinion)

[illegible]

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.  
Godoy Perez, J.

[illegible]

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Godoy Perez, J.

DIVISION FIVE (Continued)

B140264      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Camille D., et al.

The judgment is affirmed.

Armstrong, J.

We concur:    Turner, P.J.  
                  Grignon, J.

B140391      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Melva H.

The orders are affirmed.

Armstrong, J.

We concur:    Turner, P.J.  
                  Godoy Perez, J.

B141580      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Keysha P.

The purported appeal from the order denying mother's section 388 petition is dismissed. The orders terminating parental rights are affirmed.

Grignon, J.

We concur:    Turner, P.J.  
                  Armstrong, J.

## DIVISION FIVE (Continued)

B138549      People                                  (Not for Publication)  
v.  
Michael McCarthy

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B137277      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Pauline M.

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

DIVISION SIX

B141284 People (Not for Publication)  
v.  
Miranda

The judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                     Coffee, J.

DIVISION SIX (Continued)

B136605 Foster (Not for Publication)  
v.  
Mentor Corporation

The judgment is affirmed. Mentor is awarded costs on appeal.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Stoevers, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B127744 People v. Lopez  
B135632 People v. Wessels  
B137518 People v. De Leon  
B138201 People v. Contreras  
B138223 People v. Lewis  
B138466 People v. McGee  
B138511 People v. Simms  
B138663 People v. Adams  
B138664 People v. Scott  
B139266 People v. Cleveland  
B139403 People v. Brena  
B139411 People v. Douglas  
B139657 People v. Jones  
B139909 People v. Cobos  
B141013 People v. Nichols  
B141322 People v. Espinoza  
B140172 D.C.F.S. v. Henry C.  
B143776 Charles R. v. S.C.L.A.

DIVISION SEVEN (Continued)

Each of the following (continued):

B143730 Gabriella R. v. S.C.L.A.

B135661 People v. Pledger

B137025 People v. Acosta

B136476 James v. Board of Trustees California State University

B134743 People v. Terrell

Argument waived, cause submitted.

B134010     People  
              v.  
              Hernandez

Merits:

Argued by Jonathan P. Milberg for appellant and by Michael W. Whitaker, deputy attorney general, for respondent. Cause submitted.

B137025     People  
              v.  
              McIntosh

Merits:

Argued by David S. Krueger for appellant and by Alene M. Games, deputy attorney general, for respondent. Cause submitted.

B138410     People  
              v.  
              Gonzales

Merits:

Argued by David B. Harrison for appellant and by Michael W. Whitaker, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B139111     People  
              v.  
              Hatcher

Merits:  
Argued by David B. Harrison for appellant and by Sharlene Honnaka,  
deputy attorney general, for respondent. Cause submitted.

B140838     People  
              v.  
              Fierro

Merits:  
Argued by James R. Bostwick for appellant and by Richard T. Breen,  
deputy attorney general, for respondent. Cause submitted.

B140038     People  
              v.  
              Metzagobian

Merits:  
Argued by Neville Asherson for appellant and by David A. Voet, deputy  
attorney general, for respondent. Cause submitted.

B139182     Los Angeles County, D.C.F.S.  
              v.  
              Dianna H.  
              In Re Soraya H.

Merits:  
Argued by Judy Weissberg-Ortiz for appellant and by Doraine F. Meyer,  
deputy county counsel, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B136650     People  
              v.  
              Block

Merits:

Argued by Russell S. Babcock for appellant and by Chung L. Mar, deputy attorney general, for respondent. Cause submitted.

B128061     Tawfik  
              v.  
              Hayashibara  
              Schusterman

Merits:

Argued by Norman L. Schafler for appellant and by Stephen Hammers and Tracy Augustine for respondents. Cause submitted.

B140738     Flores  
              v.  
              CBS Broadcasting, Inc.

Merits:

Argued by Frederick F. Mumm for appellant and by Steven H. Haney for respondent. Cause submitted.

B136928     Stone et al.  
              v.  
              County of Los Angeles

Merits:

Argued by Ronald Goldman for appellants and by David J. Wilson for respondent. Cause submitted.



DIVISION SEVEN (Continued)

B136431     Peter & Karen Synder  
                 v.  
                 Beck et al.

Merits:

Argued by Mark E. Goodfriend for appellants and by Peter Krupinsky for respondents. Cause submitted.

Court recessed at 12:07 P.M.

Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Stoever, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B142456     Kajima Engineering & Construction, Inc.  
                 v.  
                 Superior Court, Los Angeles County  
                 (City of Los Angeles et al., r.p.i.)

Merits:

Argued by Mark D. Johnson for petitioner and by William S. Davis and Patricia L. Glaser for real parties in interest. Cause submitted.

B106689     People  
                 v.  
                 Hein et al.

Merits:

Argued by Robert Derham, Aron Laub, John Steinberg and Marilee Marshall for appellants and by Victoria Bedrossian, deputy attorney general, for respondent. Submission deferred pending the filing of supplemental letter briefs by all parties.

DIVISION SEVEN (Continued)

B134779      California Coastal Commission  
                 v.  
                 Moldo

Merits:

Argued by Daniel A. Olivas, deputy attorney general, for appellant and by Robert Landau for respondent. Cause submitted.

B135896      Zuckerman  
                 v.  
                 Board of Chiropractic Examiners

Merits:

Argued by Ronald P. Kaplan for appellant and by Zaven V. Sinanian, deputy attorney general, for respondent. Cause submitted.

B141660      Cadiz, Inc.  
                 v.  
                 Waste Management, Inc.

Merits:

Argued by Frederick D. Friedman for appellant and by Deborah Klar for respondent. Cause submitted.

B143617      Alan Rademan  
                 v.  
                 Superior Court, Los Angeles County  
                 (Ron Joseph et al., r.p.i.)

Merits:

Argued by Barbara Perry and Daniel H. Willick for petitioner and by Karen B. Chappelle, deputy attorney general, for real party in interest. Submission deferred pending the filing of supplemental letter briefs by both parties.

DIVISION SEVEN (Continued)

B129853      Chen  
                 v.  
                 Mercedes-Benz of North America, Inc.

                 Merits:  
                 Argued by Ronald F. Frank for appellant and by Norman Pine for  
                 respondent. Cause submitted.

B137786      Rahman et al.  
                 v.  
                 Raytheon Systems Company et al.

                 Oral argument continued to January 4, 2001 at 9:00 A.M.

B141940      Klein et al.  
                 v.  
                 Investprivate.Com, Inc.

                 Oral argument continued to January 4, 2001 at 2:00 P.M.

B126144      Tallmadge  
                 v.  
                 Tallmadge

                 Oral argument continued to January 4, 2001 at 2:00 P.M.

Court adjourned at 5:40 P.M.